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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/646,106 08/21/2003		Daniel A. Marx	MarxDan P-301	. 8432	
25686	25686 7590 11/16/2005		EXAMINER		
CARGILL & ASSOCIATES, P.L.L.C.			SELF, SHE	SELF, SHELLEY M	
56 MACOMB PLACE MT. CLEMENS, MI 48043.			ART UNIT	PAPER NUMBER	
			3725	3725	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Exercisors of time may be available under the procisions of 37 CPR 1-180, in to evert, flowers, may a reply be timely filed  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication.  Part (10) period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication.  Part (10) period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication.  Part (10) period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication.  Part (10) period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication.  Part (10) period for reply is specified above, the maximum statutory period will apply and under six (8) MONTHS from the mailing date of this communication.  Part (10) period for reply is specified of this communication (8) filed on 27 October 2005.  Part (10) period for reply is specified above, the maximum statutory period will apply and under six (8) filed, may reduce any sense period to see 37 CPR 1.454 (9).  Part (11) period for specified and the period for all sources of the priod for all sources and six (8) filed on 10 period for all sources and six (8) filed on 10 period for all sources and six (8) filed on 10 period for all sources and six (8) filed on 10 period for all sources and six (8) filed on 10 period for all sources and six (8) filed for the period for all sources and six (8) filed on 10 period for all sources and six (8) filed for all sources and six (8) filed for all sources and six (8) filed for all sources and six (	<b>-</b>		Application No.	Applicant(s)				
Shelley Self   3725	Office Action Summary		10/646,106					
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Ententions of their may be a variable under the provisions of 3 CFR 1-1360, in a event, however, may a reply be limity fled  If NO period for reply is specified above, the maintens statutury parto will apply and will expire SIX (8) MONTH'S flow the mailing date of this communication.  Follows to reply in specified above, the maintens statutury parto will apply and will expire SIX (8) MONTH'S flow the mailing date of this communication.  Follows to reply which the sci or decide pleriod for reply in specified above, the mailing date of this communication, even if through fled, may reduce any statute particle than expendients. Set 3 r CFR 173(b), and the mailing date of this communication, even if through fled, may reduce any statute particle than expendients. Set 3 r CFR 173(b).  Status  1)			Examiner	Art Unit				
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Edemission of time may be available under the proteins of 3 CPE 1.135(a). In an event, however, may a reply be timely filed where TSK (6) MONTHS from the mailing date of this communication.  Failus to reply within the set or endered approts for ray with. By station, cause the application to become ABAND-DBE (38 U.S. €, \$132). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any seamed patrotts manufacture majournems. Set 37 CFR 1.704(b).  Status  1) □ Responsive to communication(s) filed on 21 October 2005.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-19 is/are pending in the application.  4a) Of the above claim(s) □ is/are withdrawn from consideration.  5) □ Claim(s) 5-18 is/are allowed.  6) □ Claim(s) 5-18 is/are allowed.  6) □ Claim(s) 5-18 of is/are objected to.  8) □ Claim(s) 5-2 and 6 is/are objected to.  8) □ Claim(s) 5-3 and 6 is/are objected to by the Examiner.  10) □ The psecification is objected to by the Examiner.  Application Papers  9) □ The specification is objected to by the Examiner.  Application Papers  9) □ The carwing(s) filed on 10/21/05 is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  9) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ Acknowledgment is made of a			ears on the cover sheet with the c	orrespondence address				
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#### **DETAILED ACTION**

#### Response to Amendment

The amendment filed on October 21, 2005 has been considered but is ineffective to overcome the prior art reference.

# **Drawings**

The drawings were received on October 21, 2005. The drawings are hereby objected to, see the Notice of Draftperson's review, herein attached.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley (4,679,607) in view of Basta (6,318,929) as set forth in previous Office Action.

As to the limitation of a guide structure directing the pair of hydraulic cylinder to operate in a proper orientation, it is obvious that Bradley's housing (12) and linear connections (22, 65; fig. 2) guide the cylinder (50) so as to operate in a proper orientation, i.e., Bradley's disclosure of a supporting frame (20) and cylinder connections (22, 65) ensure linear operation of the cylinder (50), thus operation in a proper orientation.

## Allowable Subject Matter

Claims 8-19 are deemed allowable.

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: As noted in the previous Office Action, the prior art of record does not disclose or fairly suggest at least a pair of guide rods or a pair of guide tubes as set forth in claims 5, 6, 8 and 14. For the reasons noted in the previous Office Action, claims 5, 6, 8-19 are deemed allowable.

Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 5, 6, and 8-19. Accordingly, claims 5 and 6 contain allowable subjected matter and claims 8-19 are deemed allowable over the prior art of record.

### Response to Arguments

Applicant's arguments filed October 31, 2005 have been carefully considered but they are moot in view of the rejection recited above.

Applicant's remarks are drawn to the failure of prior art reference, Bradley to disclose a guide structure. This argument however is not deemed persuasive because, as noted above, Bradley's housing (12) serves to guide the cylinder (50) in a linear manner, thus, "a guide structure... operating in a proper orientation". Accordingly, the remarks are not deemed persuasive.

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#### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on accessing the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 12, 2005

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TO SEY CENTER 3700

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